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## CODE OF CRIMINAL PROCEDURE IN RELATION TO DEFENDANT

SECTION 2. The heading or title of section two hundred and seventy-nine of the Code of Criminal Procedure is hereby amended to read as follows:

Section 279. [Except where it may be] *Where the crime may have been committed by different means.*

SECTION 3. Subdivision three of section three hundred and twenty-three of the Code of Criminal Procedure is hereby amended to read as follows:

3. That [more than one crime is charged in the indictment within the meaning of Section 278 or 279]; *there is a joinder of charges or counts other than as permitted by Section 278 or Section 279; or*

SECTION 4. This act shall take effect September 1, 1914.

EDWARD SWANN.

**To Amend the Code of Criminal Procedure in Relation to the Trial of Defendants Jointly Indicted.**—The People of the State of New York, Represented in Senate and Assembly, Do Enact as follows:

SECTION 1. Section three hundred and ninety-one of the Code of Criminal Procedure is hereby amended to read as follows:

Section 391. *Joint or separate trials of defendants jointly indicted.* When two or more defendants are jointly indicted [for a felony, any defendant requiring it, must be tried separately. In other cases, defendants jointly indicted] *they may be tried separately or jointly, in the discretion of court.*

SECTION 2. This act shall take effect immediately.

EDWARD SWANN.

**To Amend the Code of Criminal Procedure in Relation to Evidence of Other Acts of Defendants.**—The People of the State of New York, Represented in Senate and Assembly, Do Enact as Follows:

SECTION 1. Section three hundred and ninety-one of the Code of Criminal Procedure is hereby amended to read as follows:

Section 392. Rules of evidence, evidence of certain children how received; *evidence of other acts of defendants.*

The rules of evidence in civil cases are applicable also to criminal cases, except as otherwise provided in this code. Whenever in any criminal proceedings a child actually or apparently under the age of twelve years offered as a witness does not in the opinion of the court or magistrate, understand the nature of an oath, the evidence of such child may be received though not given under oath if, in the opinion of the court or magistrate, such child is possessed of sufficient intelligence to justify the reception of the evidence. But no person shall be held or convicted of an offense upon such testimony unsupported by other evidence.

*In any criminal case where the act with which the defendant is charged is one of a series of acts committed in pursuance of a general scheme, plan or system, any like acts of the defendant which were committed in pursuance of such general scheme, plan or system, may be proved, whether they are contemporaneous with or prior or subsequent thereto.*

SECTION 2. This act shall take effect September 1, 1914.

EDWARD SWANN.

**To Amend the Code of Criminal Procedure in Relation to the Defendant as a Witness.**—The People of the State of New York, Represented in Senate and Assembly, Do Enact as Follows:

SECTION 1. Section three hundred and ninety-three of the Code of Criminal Procedure is hereby amended to read as follows:

Section 393. Defendant as witness.

The defendant in all cases may testify as a witness in his own behalf